

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Alexander Opoku-Agyemang	Team: Team # 5	CCRB Case #: 201102082	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 02/09/2011 12:11 AM	Location of Incident: 1490 Prospect Place and § 87(2)(b)	Precinct: 77	18 Mo. SOL 8/9/2012	EO SOL 8/9/2012	
Date/Time CV Reported Fri, 02/11/2011 3:00 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 02/17/2011 12:38 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Constantin Angelopoulos	10066	947997	077 PCT
2. POM David Lamarre	01841	947929	077 PCT
3. POM Brendan Farrell	28017	936571	077 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Stephane Abraham	13071	946717	077 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM David Lamarre	Discourtesy: On February 9, 2011, at 1490 Prospect Place in Brooklyn, PO David Lamarre spoke obscenely and/or rudely to § 87(2)(b)	
B.POM David Lamarre	Force: On February 9, 2011, at 1490 Prospect Place in Brooklyn, PO David Lamarre pointed his gun at § 87(2)(b)	
C.POM Constantin Angelopoulos	Abuse: On February 9, 2011, at 1490 Prospect Place in Brooklyn, PO Constantin Angelopoulos drew his gun.	
D.POM Brendan Farrell	Force: On February 9, 2011, at 1490 Prospect Place in Brooklyn, PO Brendan Farrell used physical force against § 87(2)(b)	
E.POM Constantin Angelopoulos	Discourtesy: On March 7, 2011, at § 87(2)(b) in Brooklyn, PO Constantin Angelopoulos spoke obscenely and/or rudely to § 87(2)(b)	

### Case Summary

On February 11, 2011, § 87(2)(b) contacted IAB via 911 and filed the following complaint (Encl. 3A) which was subsequently forwarded to the CCRB via IAB log # 11-06637 on February 17, 2011 (Encl. 4A-B).

At approximately 12:11 a.m. on February 9, 2011, § 87(2)(b) was walking his two dogs when he was arrested by PO Constantine Angelopoulos and PO David Lamarre. On March 7, 2011, he had further interactions with PO Lamarre and PO Angelopoulos. The following allegations resulted:

- **Allegation A – Discourtesy – On February 9, 2011, at 1490 Prospect Place in Brooklyn, PO David Lamarre spoke obscenely and/or rudely to § 87(2)(b)**
- **Allegation E – Discourtesy – On March 7, 2011, at § 87(2)(b) in Brooklyn, PO Constantine Angelopoulos spoke obscenely and/or rudely to § 87(2)(b)**  
§ 87(2)(g)
- **Allegation B – Force – On February 9, 2011, at 1490 Prospect Place in Brooklyn, PO David Lamarre pointed his gun at § 87(2)(b)**
- **Allegation C – Abuse of Authority – On February 9, 2011, at 1490 Prospect Place in Brooklyn, PO Constantine Angelopoulos drew his gun.**  
§ 87(2)(g)
- **Allegation D – Force – On February 9, 2011, at 1490 Prospect Place in Brooklyn, PO Brendan Farrell used physical force against § 87(2)(b)**  
§ 87(2)(g)

This case was initially assigned to Investigator Christopher Curmi on February 17, 2011, but was reassigned to Investigator Alexander Opoku-Agyemang on August 18, 2011, following Investigator Curmi's resignation from the CCRB.

### Results of Investigation

#### Civilian Statements

**Complainant/Victim:** § 87(2)(b)

- § 87(2)(b)

#### CCRB Testimony

On March 10, 2011, § 87(2)(b) was interviewed at the CCRB (Encl. 5B-F). § 87(2)(g)

They are summarized below, with any inconsistencies noted.

At approximately 12:11 a.m. on February 9, 2011, § 87(2)(b) was walking his two pit-bulls

when one of them began to defecate in front of 1490 Prospect Place in Brooklyn. § 87(2)(b) described one dog as weighing approximately 80 pounds and the other as approximately 60 pounds. A marked patrol car pulled up beside § 87(2)(b) § 87(2)(b) observed three officers, identified via the investigation as PO David Lamarre, who he described as an approximately 5'7" tall Hispanic male, PO Constantine Angelopoulos, who he described as an approximately 5'9" Hispanic male with glasses, and PO Stephane Abraham, who he described as a black female, inside the patrol car. PO Lamarre asked § 87(2)(b) "Do you plan on picking up the dog's mess?" § 87(2)(b) who had a plastic bag in his hand responded, "That's what the bag in my hand is for." PO Lamarre replied, "I want you to pick up the fucking shit now." § 87(2)(b) wanted to wait for his other dog to begin defecating as well before picking up the feces.

After a few minutes the three officers exited their patrol car and PO Lamarre asked for § 87(2)(b)'s identification. § 87(2)(b) replied, "For what? I didn't leave the shit on the floor, I'm going to pick it up." PO Lamarre tried to grab § 87(2)(b)'s right arm and § 87(2)(b) stepped backward into the driveway behind him. § 87(2)(b) was standing with his dogs angled away from the officers on his left side. § 87(2)(b) crouched down onto his feet, bending at the knee. He placed one of his dogs under his left leg and the other in between his bent knees and covered his face and their faces with his jacket. § 87(2)(b)'s hands were under his coat, holding the chain. PO Lamarre drew his gun and pointed it at § 87(2)(b). PO Angelopoulos drew his gun and pointed it at the ground, and PO Abraham removed a canister of pepper spray and pointed it at him. Hoping that someone would witness what was happening, § 87(2)(b) began to loudly shout, "Y'all gonna shoot me? Y'all gonna mace me?" An officer replied, "If we have to use our mace, we will." § 87(2)(b) does not know whether or not PO Abraham discharged the pepper and he did not feel any effects from pepper spray.

After approximately five minutes, approximately ten additional officers arrived on scene. Some of the officers, whom § 87(2)(b) could not describe, had their guns drawn and pointed at the ground or at him and were shouting, "Let me see your hands." § 87(2)(b) was screaming, "I don't have any weapons. I don't have anything on me." § 87(2)(b) placed the chain under his leg and showed the officers his hands. § 87(2)(b) was then instructed to tie his dogs to a the gate on a nearby window. After he did this, PO Lamarre approached § 87(2)(b) and told him to put his hands behind his back.

PO Angelopoulos handcuffed § 87(2)(b) brought him to the patrol car, and placed him inside. § 87(2)(b) ended up laying down on his right side across the backseat of the patrol car with his hands cuffed behind his back and the lower portion of his legs dangling out the door. Several officers, whom § 87(2)(b) could not see, told him put his feet in the car and sit properly. An officer, who he described as an approximately 5'6" tall white male with dirty blond hair who resembled the boxer Ricky Hatton and whom § 87(2)(b) identified in a photo viewing interview as PO Brendan Farrell (Encl. 5G), walked around to the other side of the car, opened the door, grabbed § 87(2)(b) by the collar, pulled him across the backseat, and then punched him under his right eye. This injury caused pain for several days after the incident and but § 87(2)(b) did not seek medical attention. § 87(2)(b) was arrested and taken to the 77<sup>th</sup> Precinct stationhouse. § 87(2)(b) was charged with obstructing governmental administration, resisting arrest, disorderly conduct, and violating a local law.

On March 7, 2011, at approximately 12:00 a.m. § 87(2)(b) was walking his dogs out of his home at § 87(2)(b) in Brooklyn when he observed PO Lamarre, PO Angelopoulos, and PO Abraham in a marked police van in front of his building. Upon seeing him and his dogs PO Angelopoulos said, "Oh Fuck" and said something to PO Lamarre that § 87(2)(b) could not hear.

### **Photo Array**

On October 5, 2011, § 87(2)(b) viewed a series of eight photographs containing photographs of PO Jason Latremore, PO Brendan Farrell, PO Christopher Savage, Sgt. Robert Maloney, PO Peter Bernard, PO

§ 87(2)(b) Vitale, PO Michael Gerardi, Sgt. Igor Groysman (Encl. X). § 87(2)(b) identified the officer in the photograph of PO Farrell as the officer who punched him in the face on February 9, 2011 (Encl. 5G-O).

#### **NYPD Statement(s):**

##### **Subject Officer: PO CONSTANTINE ANGELOPOULOS**

- PO Angelopoulos was a § 87(2)(b)-old, 5'11" tall, 197 pound white male with brown hair, brown eyes, and glasses.
- PO Angelopoulos worked from 4:00 p.m. on February 8, 2011, to 1:35 a.m. on February 9, 2011, assigned to robbery auto in the 77<sup>th</sup> Precinct with PO Lamarre and PO Abraham. They were in uniform and assigned to marked vehicle #2299. PO Angelopoulos worked from 4:00 p.m. on March 6, 2011, to 12:35 a.m. on March 7, 2011, assigned to robbery auto in the 77<sup>th</sup> Precinct with PO Lamarre. They were in uniform and assigned to marked van #5322.

##### **Memo Book**

PO Angelopoulos' memo book notes that at 12:22 a.m. on February 9, 2011, a male, identified as § 87(2)(b) was stopped in front of 1490 Prospect Place. At 12:25 a.m., a request for assistance was made and 12:31 a.m. § 87(2)(b) was arrested (Encl. 6A-C). PO Angelopoulos has no entries indicating his presence at § 87(2)(b) on March 7, 2011, or any interaction with § 87(2)(b) on that day (Encl. 6D-E).

##### **Complaint Report # § 87(2)(b)**

##### **Arrest Report # § 87(2)(b)**

##### **Criminal Court Complaint**

The complaint report, arrest report, and criminal court complaint filed by PO Angelopoulos in regards to § 87(2)(b)'s arrest (Encl. 6F-J) were consistent and indicated that § 87(2)(b) was arrested at 12:31 a.m. on February 9, 2011. The narrative indicates that PO Angelopoulos observed § 87(2)(b) fail to remove his dogs' waste on a public sidewalk. § 87(2)(b) became hostile when confronted by officers and stuck his hand inside his jacket with "unknown intentions." § 87(2)(b) attempted to release his dogs to attack the officers, crouched into a fetal position, and refused to be handcuffed. § 87(2)(b) was charged with § 87(2)(b), § 87(2)(a) 160.50

##### **CCRB Testimony**

PO Angelopoulos was interviewed at the CCRB on May 24, 2011 (Encl. 6K-M).

At approximately 12:11 a.m. on February 9, 2011, PO Angelopoulos, PO Lamarre, and PO Abraham observed § 87(2)(b) allowing his two large pit-bulls to defecate on the sidewalk in front of 1490 Prospect Place. The officers pulled up to § 87(2)(b) and asked if he was going to pick up after his dogs. § 87(2)(b) murmured inaudibly under his breath and stared at the officers. The officers continued to request that § 87(2)(b) pick up after his dogs. § 87(2)(b) replied, "Fuck you," and continued to stare at the officers. PO Angelopoulos, PO Lamarre and PO Abraham exited the RMP and approached § 87(2)(b) to write him a summons for failing to clean up his dogs' feces. No officers used any profanities or stated, "I want you to pick up the fucking shit right now."

As the officers approached § 87(2)(b) § 87(2)(b) held the dogs' leashes with his left hand with the dogs standing in front of him, between him and the officers. He reached his right hand inside of the left side of his jacket. PO Angelopoulos feared that § 87(2)(b) might be reaching for a firearm and so he drew his firearm and repeatedly asked § 87(2)(b) to take his hands out of his jacket. PO Angelopoulos was the only officer to draw his firearm. § 87(2)(b)'s hand remained hidden in his

jacket and PO Lamarre rushed toward him, presumably to remove his hand from his jacket. § 87(2)(b) pulled away and attempted to run around a car parked in the driveway of 1490 Prospect place with his dogs in tow. PO Lamarre removed his pepper spray and discharged it towards § 87(2)(b) and his dogs.

§ 87(2)(b) went around the vehicle and crouched into a fetal position with the dogs in front of him. § 87(2)(b) released the dogs, who remained in front of him. PO Angelopoulos did not recall the actions or demeanor of the dogs. PO Abraham then called for additional units to come to the scene. After PO Angelopoulos and other officers issued continuous verbal requests to § 87(2)(b) to remove his hands from his jacket, he eventually complied. § 87(2)(b) was placed under arrest. A search was conducted and no firearm was found on him. PO Angelopoulos could not recall which other officers responded to the scene.

When PO Angelopoulos brought § 87(2)(b) to the patrol car, he resisted by only placing his upper body into the vehicle. Several officers, PO Angelopoulos does not recall whom, came to help slide § 87(2)(b) into the vehicle. PO Angelopoulos did not see any officer punch § 87(2)(b) in the face and did not observe any injuries on § 87(2)(b).

PO Angelopoulos stated that he has not seen or interacted with § 87(2)(b) since the incident on February 9, 2011. He did not see or interact with § 87(2)(b) on March 7, 2011.

**Subject Officer: PO DAVED LAMARRE**

- PO Lamarre was a § 87(2)(b)-old, 5'9" tall, 165 pound black male with black hair and brown eyes.
- PO Lamarre worked from 4:00 p.m. on February 8, 2011, to 1:35 a.m. on February 9, 2011, assigned to robbery auto in the 77<sup>th</sup> Precinct with PO Angelopoulos and PO Abraham. They were in uniform and assigned to marked vehicle #2299. PO Lamarre worked from 4:00 p.m. on March 6, 2011, to 12:35 a.m. on March 7, 2011, assigned to robbery auto in the 77<sup>th</sup> Precinct with PO Angelopoulos. They were in uniform and assigned to marked van #5322.

**Memo Book**

PO Lamarre's memo book notes that at 12:22 a.m. on February 9, 2011, a male, identified as § 87(2)(b) was stopped in front of 1490 Prospect Place. At 12:25 a.m., a request for assistance was made and 12:31 a.m. § 87(2)(b) was arrested by PO Angelopoulos (Encl. 6U-N). PO Lamarre has no entries indicating his presence at § 87(2)(b) on March 7, 2011, or any interaction with § 87(2)(b) on that day (Encl. 6W).

**CCRB Testimony**

PO Lamarre was interviewed at the CCRB on May 25, 2011 (Encl. 6X-Y). PO Lamarre testified that that when they approached § 87(2)(b) and asked him if he was going to pick up after his dogs, he said "No" and stared at them blankly. He denied any of them used any profanities or stated, "I want you to pick up the fucking shit right now." PO Lamarre, PO Abraham and PO Angelopoulos exited the vehicle. The officers and § 87(2)(b) stood on the sidewalk for between 5 and 10 minutes. During this time, the officers waited for § 87(2)(b) to pick up the feces and he did not. PO Lamarre asked § 87(2)(b) again if he was going to pick up his dogs' feces. § 87(2)(b) did not say anything in reply and so PO Lamarre began to move toward him. § 87(2)(b) reached his hand inside his jacket and stated "Get away from me. Get the fuck out of here." PO Lamarre believed that § 87(2)(b) might have been reaching for a weapon, possibly a gun. § 87(2)(b) ran behind a car which was parked in the driveway of 1490 Prospect Park. PO Lamarre ran to the opposite side of the car to see what § 87(2)(b) was reaching for.

While behind the vehicle, § 87(2)(b) released the two pit-bulls and they ran toward PO Lamarre. One

of the dogs jumped onto PO Lamarre's arm but did not bite or injure him. PO Lamarre drew his pepper spray and discharged it at the dogs. Some of the pepper spray blew back into his face and, as a result, PO Lamarre's vision was impaired for the rest of the incident. Numerous units responded to the scene, but PO Lamarre could not see them clearly because his vision was impaired by the pepper spray.

PO Angelopoulos placed § 87(2)(b) in handcuffs and placed him into the patrol car. PO Lamarre did not recall there having been any trouble getting § 87(2)(b) into the patrol car. PO Lamarre did not see an officer punch § 87(2)(b) in the face and did not see any injuries on him. PO Lamarre did not see any officers draw their guns and he did not draw his gun.

PO Lamarre stated that he has not seen or interacted with § 87(2)(b) since the incident on February 9, 2011. He did not see or interact with § 87(2)(b) on March 7, 2011.

**Subject Officer: PO BRENDAN FARRELL**

- PO Farrell was a § 87(2)(b)-old, 5'9" tall, 180 pound white male with brown hair and blue eyes.
- PO Farrell worked from 3:00 p.m. on February 8, 2011, to 12:45 a.m. on February 9, 2011, assigned to Sectors K and M in the 77<sup>th</sup> Precinct with PO James Ganly. They were in uniform and assigned to a marked vehicle.

**Memo Book**

PO Farrell's memo book entries note that at 9:15 p.m. on February 8, 2011, he transported prisoners to Brooklyn Central Booking. At 12:45 a.m. he was present at the 77<sup>th</sup> Precinct stationhouse, where his tour ended (6Z-CC).

**CCRB Testimony**

PO Farrell was interviewed at the CCRB on August 2, 2011 (Encl. 6DD-EE). PO Farrell did not recognize a photograph of § 87(2)(b) and did not have any recollections of this incident.

**Witness Officer: PO STEPHANE ABRAHAM**

- PO Abraham was a § 87(2)(b)-old, 5'8" tall, 140 pound Hispanic male with black hair and brown eyes.
- PO Abraham worked from 4:00 p.m. on February 8, 2011, to 1:35 a.m. on February 9, 2011, assigned to robbery auto in the 77<sup>th</sup> Precinct with PO Angelopoulos and PO Lamarre. They were in uniform and assigned to marked vehicle #2299. PO Lamarre worked from 2:30 p.m. on March 6, 2011, to 12:35 a.m. on March 7, 2011, assigned to robbery auto in the 77<sup>th</sup> Precinct with PO Paul Morabito and PO Syed Huda. They were in uniform and assigned to marked van #8556.

**Memo Book**

PO Abraham's memo book notes that at 12:22 a.m. on February 9, 2011, a male, identified as § 87(2)(b) was stopped in front of 1490 Prospect Place. At 12:25 a.m., a request for assistance was made and 12:31 a.m. § 87(2)(b) was arrested by PO Angelopoulos (Encl. 6N-P). PO Abraham has no entries indicating her presence at § 87(2)(b) on March 7, 2011, or any interaction with § 87(2)(b) on that day (Encl. 6Q-R).

**CCRB Testimony**

PO Abraham was interviewed at the CCRB on May 24, 2011 (Encl. 6S-T). PO Abraham testified that that when they approached § 87(2)(b) and asked him if he was going to pick up after his dogs, he became agitated cursed at the officers. PO Abraham could not recall exactly what he did or said. The dogs were also agitated and began growling and attempting to lunge at the officers. The dogs did not make contact with the officers since § 87(2)(b) continued to hold their leashes. PO Abraham did not hear an officer use profanity or tell § 87(2)(b) "I want you to pick up the fucking shit now."

PO Abraham, PO Angelopoulos and PO Lamarre exited their vehicle and, as they approached § 87(2)(b) he placed his right hand into his jacket. PO Angelopoulos drew his firearm and all three officers told § 87(2)(b) repeatedly to show them his hands. § 87(2)(b)'s hands remained hidden. PO Lamarre attempted to grab § 87(2)(b) but did not make contact with him. § 87(2)(b) released his dogs and ran behind a vehicle parked nearby. The dogs did not make contact with the officers. PO Lamarre ran after § 87(2)(b) and discharged his pepper spray. PO Abraham was uncertain whether the pepper spray made contact with § 87(2)(b). PO Abraham then called for additional units and ESU. Several units responded but PO Abraham could not recall which officers were in these units. PO Abraham did not recall how § 87(2)(b) came to be handcuffed or placed into a patrol car. She did not recall whether there was any difficulty placing him in a vehicle or whether any officer punched § 87(2)(b) in the face.

On March 7, 2011, PO Abraham was not in the vicinity of § 87(2)(b) in Brooklyn, she did not see § 87(2)(b) on this date.

#### **NYPD Document(s)**

#### **SPRINT**

SPRINT # W00126 (Encl. 7A-B) indicates that at 12:11 a.m. on February 9, 2011, officers from the 77<sup>th</sup> Precinct robbery team called for assistance (10-85) at 1490 Prospect Avenue. A patrol sergeant, and sectors K, D, and G, responded. At 12:31 a.m. an individual was arrested and transported. At 1:09 a.m. ESU arrived and removed two dogs to ASPCA.

#### **Summons/Arrest for Incident and Disposition**

- § 87(2)(b), § 87(2)(a) 160.50 A search of the Office of Court Administration database on October 11, 2011, revealed that this case no longer exists in the database (Encl. 8A).

#### **Status of Civil Proceedings**

- As of September 26, 2011, § 87(2)(b) has not filed a Notice of Claim about this incident (Encl. 10H).

#### **Civilian(s) Criminal History**

- As of October 11, 2011, Office of Court Administration records reveal no convictions for § 87(2)(b) § 87(2)(b)

#### **Civilian(s) CCRB History**

- This is the first CCRB complaint filed by § 87(2)(b) (Encl. 2D).

#### **Subject Officer(s) CCRB History**

- PO Constantine Angelopoulos has been a member of the service for two years and there are no substantiated CCRB allegations against him (Encl. 2A).
- PO David Lamarre has been a member of the service for two years and there are no substantiated CCRB allegations against him (Encl. 2B).
- PO Brendan Farrell has been a member of the service for six years and there are no substantiated CCRB allegations against him (Encl. 2C).

#### **Conclusion**

#### **Identification of Subject Officer(s)**

- PO Angelopoulos, PO Lamarre, and PO Abraham identified themselves as the officers who initially interacted with § 87(2)(b) stated that the three officers who interacted with

him initially were two Hispanic males, one with glasses, and a black female. PO Angelopolous was a white male, PO Lamarre was a black male, and PO Abraham was a black female. PO Angelopolous wore glasses while PO Lamarre did not. § 87(2)(g)

- § 87(2)(b) viewed photographs of the officers who were identified by the SPRINT as having responded to the scene and identified PO Farrell as the officer who punched him during this incident.

#### **Allegations not Pleaded**

- § 87(2)(b) alleged that the female officer, PO Abraham, removed her pepper spray but he did not observe her use it against him or his dogs and he did not personally feel the effects of any pepper spray.

§ 87(2)(g)

#### **Investigative Findings and Recommendations**

**Allegation A – Discourtesy – On February 9, 2011, at 1490 Prospect Place in Brooklyn, PO David Lamarre spoke obscenely and/or rudely to § 87(2)(b)**

**Allegation E – Discourtesy – On March 7, 2011, at § 87(2)(b) in Brooklyn, PO Constantine Angelopoulos spoke obscenely and/or rudely to § 87(2)(b)**

PO Abraham, PO Lamarre, and PO Angelopoulos all denied having spoken discourteously to § 87(2)(b) on February 9, 2011, or having heard any other officer do so. All three denied having seen or interacted with § 87(2)(b) on March 7, 2011. § 87(2)(g)

**Allegation B – Force – On February 9, 2011, at 1490 Prospect Place in Brooklyn, PO David Lamarre pointed his gun at § 87(2)(b)**

**Allegation C – Abuse of Authority – On February 9, 2011, at 1490 Prospect Place in Brooklyn, PO Constantine Angelopoulos drew his gun.**

NYPD v. Gilner, OATH Index No. 955/00 (Sept. 6, 2000) (Encl. 1A-T) established a broad standard for the acceptable drawing and pointing of a firearm, stating that an officer is allowed to do so as long as he or she has a reasonable fear for his or her own or another person's safety. § 87(2)(g)

**Allegation D – Force – On February 9, 2011, at 1490 Prospect Place in Brooklyn, PO Brendan Farrell used physical force against § 87(2)(b)**

PO Farrell, identified by § 87(2)(b) as the officer who punched him, had no recollections of this incident and PO Abraham, PO Lamarre, and PO Angelopoulos had no recollections of an officer punching § 87(2)(b) during this incident. § 87(2)(b) stated that, while the punch caused him pain for several days, it did not cause a bruise and he did not seek medical attention. § 87(2)(g)



Team: 5

Investigator: \_\_\_\_\_ :  
Signature Alexander Opoku-Agyemang October 14, 2011  
Print Date

Supervisor: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date